IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 25381 of 2007(V)

---

PETITIONER:

---

DEYANANDAN K.K., AGED 44,
S/O.KUNJAPPAN, JUNIOR SUPERINTENDENT,
DISTRICT KHADI AND VILLAGE INDUSTRIES BOARD,
KOTTAYAM.

BY ADV. SRI.C.A.MAJEED
SRI.SHAJAHAN P.M.

RESPONDENTS:

---

1. KERALA KHADI AND VILLAGE INDUSTRIES BOARD, THIRUVANANTHAPURAM BY REPRESENTED BY IT'S SECRETARY.

2. CONVENER,(SECRETARY), STAFF SELECTION COMMITTEE OF KERALA KHADI AND VILLAGE INDUSTRIES BOARD, THIRUVANANTHAPURAM.

BY ADV. K.P. HARISH, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ANTONY DOMINIC,J.**

**----------**

**W.P ( C) No. 25381 of 2007**

**----------**

**Dated this the 21st day of August, 2007**

**J U D G M E N T**

Petitioner responded to Exhibit-P1 notification issued for filling up of the post of Law Officer and the method of recruitment is by selection from among the Board Staff. His application was rejected by Exhibit-P4 and challenging Exhibit-P4, he filed writ Petition No.17896/2007. That case was dismissed by this court by Exhibit-P5 judgment where it has been held as follows:

> "Going by clause 9 (ab) of the Kerala Khadi and Village Industries (Classification and Conditions of Recruitment of Staff) Regulations, quoted above, I feel that the stand taken by the respondents is a reasonable view. Going by the method of appointment, any employee under the Board can apply. Therefore, it is only appropriate that the experience prescribed for the post is one acquired after the candidate obtains LL.B. Degree. If the appointment is by promotion, a different construction may be permissible. In this case, it is in the form of

direct recruitment, from the employees of the first respondent. So, the view taken by the Board, regarding experience, is certainly a plausible view, with which this court cannot interfere under Article 226 of the Constitution of India."

2. Thereafter he filed Exhibit-P6 before the Chairman which was rejected by Exhibit-P7, placing reliance on Exhibit-P5 judgment of this court. It is seeking to quash Exhibit-P7 and for other consequential reliefs that this writ petition is filed. He is also seeking a declaration that the Rules to the extent it mandates experience of 8 years for selection to the post of Law Officer with the 1st respondent as arbitrary and unreasonable.

3. In so far as the merits of the contention of the petitioner is concerned the issue is concluded against him by Exhibit-P5 judgment. Now the petitioner says that the recruitment is to the post of Law Officer is by selection from among Board Staff and therefore the experience required need not be after acquisition of qualification. I am not able to agree with the petitioner, as this issue is concluded against him in Exhibit-P5 judgment itself.

4. Coming to the challenge against the prescription of experience in the Rule, there is absolutely no substance in the contention raised by the petitioner. It is for the appointing authority to prescribe the eligibility criteria and the petitioner has not demonstrated as to how the prescription is arbitrary or violative of his fundamental rights.

I do not find any merit in this writ petition and it is dismissed

**(ANTONY DOMINIC,JUDGE)**

ma

**K.THANKAPPAN,J**

**CRL.A. NO.92 OF 1999**

**ORDER**

**25th May, 2007**